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In re Application of:
BOTTCHER, UWE
Serial No. 10/519,528
Filed: Dec. 27, 2004
Docket: 821-65

Title: ARRANGEMENT AND A MEHTOD
FOR CLAMPING THIN RODS

7/31/08

DECISION ON PETITION
UNDER 37 CFR § 1.181

This is a decision on the petition filed Jul. 18, 2008 under 37 CFR 1.181 requesting withdrawal of the finality of the last Office action mailed May 29, 2008.

The petition is **granted**.

The record shows that claims 3-6, 10-12, and 15-28 were indicated to be allowable in the Oct. 26, 2007 Office action. On Feb. 28, 2008, an amendment was filed placing allowable dependent claims 3, 6, 10, and 15 in independent form. In the May 29, 2008 Office action, claims 3-20 and 29-32 were finally rejected. However, the final rejection of those previously indicated allowable claims was not necessitated by the Feb. 28, 2008 amendment. Thus, the final rejection was improper under MPEP 706.07(a) and the finality of the rejection is withdrawn. The period to respond to the last Office action of May 29, 2008 remains unchanged. Since the finality is being withdrawn, any amendment responding to the Office action dated May 29, 2008 will be treated as a 37 CFR § 1.111 amendment.

In finding petitioner's points of argument persuasive, the requested relief is granted. The finality of the last Office action of May 29, 2008 is hereby withdrawn.

Any questions regarding this decision should be directed to Special Program Examiner, Henry Yuen, at 571-272-4856.

PETITION GRANTED.

Frederick R. Schmidt, Director
Technology Center 3700